

Continued Examination Under 37 CFR 1.114

The request filed on February 23, 2010 for a Request for Continuing Examination (RCE) under 37 CFR 1.114 is acceptable and an RCE has been established. Any previous finality is hereby withdrawn and a new action on the merits follows. Any newly-submitted claims have been added. An action on the RCE follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 14, 19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (US 6787702). Suzuki discloses a sliding door system for a vehicle, wherein the vehicle has a chassis 3 and a sliding door 2 that is movable between a closed position and an open position on the chassis, and the sliding door system comprises:

an energy guide chain 1 having a first end connected to the sliding door and a second end connected to the chassis; and a curved region (not numbered, but shown in figure 1) disposed between the ends, and the curved region defines a first radius of curvature when the sliding door is in the closed position as shown in figure 1 and a second radius of curvature when the sliding door is in the open position as shown in

figure 2, and the first radius of curvature is smaller as shown in figure 1 than the second radius of curvature as shown in figure 2;

wherein the first end of the energy guide chain is joined to a central portion of the sliding door (claim 14);

wherein the energy guide chain further comprises: a first section as shown in figure 1 in which the first radius of curvature is formed when the sliding door is in the closed position; and a second section as shown in figure 2 in which the second radius of curvature is formed when the sliding door is in the open position (claim 19).

Claims 1, 14, 15 and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al. (US 2004/003543). Kobayashi et al. discloses a sliding door system for a vehicle, wherein the vehicle has a chassis B and a sliding door SD that is movable between a closed position and an open position on the chassis, and the sliding door system comprises:

an energy guide chain 1 having a first end connected to the sliding door and a second end connected to the chassis; and a curved region (not numbered, but shown in figure 1) disposed between the ends, and the curved region defines a first radius of curvature when the sliding door is in the closed position P1 and a second radius of curvature P2 when the sliding door is in the open position, and the first radius of curvature is smaller than the second radius of curvature;

wherein the first end of the energy guide chain is joined to a central portion of the sliding door (claim 14);

wherein the first end of the energy guide chain and the second end of the energy guide chain are closer together when the sliding door is in the open position P2 as shown in figure 3 (claim 15);

wherein the energy guide chain further comprises: a first section as shown in figure 1 in which the first radius of curvature is formed when the sliding door is in the closed position; and a second section as shown in figure 2 in which the second radius of curvature is formed when the sliding door is in the open position (claim 19);

wherein the energy guide chain further comprises: a first section in which the first radius of curvature is formed when the sliding door is in the closed position; and a second section in which the second radius of curvature is formed when the sliding door is in the open position, and wherein the first section is closer to the sliding door than the second section as shown in figure 3 (claim 20);

wherein the energy guide chain first section prevents the energy guide chain first section from curving to a radius of curvature less than the first radius of curvature; and the energy guide chain second section prevents the energy guide chain second section from curving to a radius of curvature less than the second radius of curvature (claim 21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki as applied to claims 1, 14, 19 and 22 above. Suzuki is silent concerning specific radii of curvature.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the ratio of the first radius of curvature in the closed position of the sliding door to the second radius of curvature in the open position of the sliding door is less than about 0.5.

Claim 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. as applied to claims 1, 14, 15 and 19-22 above. Kobayashi et al. is silent concerning specific radii of curvature.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the ratio of the first radius of curvature in the closed position of the sliding door to the second radius of curvature in the open position of the sliding door is less than about 0.5.

Response to Arguments

Applicant's arguments filed February 23, 2010 have been fully considered but they are not persuasive.

Regarding the applicant's comments concerning Suzuki, the examiner respectfully disagrees. The applicant argues that the energy chain of Suzuki is not connected to the sliding door. This is not found persuasive because the energy guide chain 1 of Suzuki is connected to the sliding door at least by the wiring harness 5. It appears that the applicant is arguing that the Suzuki fails to disclose a energy guide chain that is directly connected to door. This, however, is not supported by the claim language.

Regarding the applicant's comments concerning Kobayashi et al., the examiner respectfully disagrees. Kobayashi et al., in figure 3, clearly shows energy guide chain having two different radii of curvature.

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-

272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634